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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ORACLE USA, INC., a Colorado corporation;
and ORACLE INTERNATIONAL
CORPORATION, a California corporation,

Plaintiffs,

v.

RIMINI STREET, INC. , a Nevada corporation;
SETH RAVIN, an individual,

Defendants.

Case No. 2:10-cv-0106-LRH-PAL

**RIMINI STREET AND RAVIN'S
MOTION FOR LEAVE TO FILE
UNDER SEAL PORTIONS OF
THEIR OPPOSITION TO
ORACLE'S MOTION TO EXCLUDE
TESTIMONY OF DEFENDANTS'
EXPERTS AND ACCOMPANYING
EXHIBITS A-D AND F**

Pursuant to the Stipulated Protective Order governing confidentiality of documents entered by the Court on May 21, 2010 (*See* Dkt. 55, "Protective Order"), Local Rule 10-5(b) and Rules 5.2 and 26(c) of the Federal Rules of Civil Procedure, Defendants Rimini Street, Inc. and Seth Ravin ("Rimini") respectfully request that the Court grant leave to file under seal portions of their Opposition to Oracle's Motion to Exclude Testimony of Defendants' Experts ("Daubert Opposition") and accompanying Exhibits A-D and F. A public, redacted version of the Daubert Opposition was filed on August 14, 2015. Additionally, also on August 14, 2015, the unredacted version of the Daubert Opposition was filed under seal.

The Protective Order provides that: "Counsel for any Designating Party may designate any Discovery Material as "Confidential Information" and as "Highly Confidential Information-Attorneys' Eyes Only" under the terms of the Protective Order only if such counsel in good faith believes that such Discovery Material contains such information and is subject to protection under Federal Rule of Civil Procedure 26(c). The designation by any Designating Party of any Discovery Material as "Confidential Information" or "Highly Confidential Information- Attorneys' Eyes Only" shall constitute a representation that an attorney for the Designating Party reasonably believes there is a valid basis for such designation". Protective Order at Paragraph 2.

The Court has "broad latitude" under Rule 26(c) "to prevent disclosure of materials for many types of information, including, but not limited to, trade secrets or other confidential research,

development, or commercial information.” *Phillips v. Gen. Motors Corp.*, 307 F.3d 1206, 1211 (9th Cir. 2002) (citations omitted).

Sealing portions of the Daubert Opposition is requested because it cites Exhibits which have already been filed Under Seal in this action. These Exhibits, and the information referenced in the Daubert Opposition, include portions of the deposition testimony of witnesses of either Oracle OR Rimini, which includes information marked Highly-Confidential Information—Attorneys’ Eyes Only by Oracle or Rimini. If disclosed, this information, which includes the parties’ customer revenue data and financial data, could competitively harm Oracle and Rimini. The Protective Order provides that: “Counsel for any Designating Party may designate any Discovery Material as ‘Confidential Information’ or ‘Highly Confidential Information – Attorneys’ Eyes Only’ under the terms of this Protective Order **only if such counsel in good faith believes that such Discovery Material contains such information and is subject to protection under Federal Rule of Civil Procedure 26(c)**. The designation by any Designating Party of any Discovery Material as ‘Confidential Information’ or ‘Highly Confidential Information –Attorneys’ Eyes Only’ shall constitute a representation that an attorney for the Designating Party reasonably believes there is a valid basis for such designation.” Protective Order ¶ 2 (emphasis supplied).

A description of the Exhibits to be filed under seal referenced in this Opposition is included below:

1. Exhibit A consists of excerpts of the deposition testimony of Scott Hampton.
2. Exhibit B consists of excerpts of the deposition testimony of Brooks Hilliard.
3. Exhibit C consists of excerpts of the deposition testimony of Krista Williams.
4. Exhibit D consists of excerpts of the deposition testimony of Jim Benge.
5. Exhibit F consists of excerpts of the deposition testimony of David Klausner.

Rimini has submitted all other portions of its Daubert Opposition for filing in the Court’s public files, which would allow public access to the filings except for the documents designated as Confidential or Highly Confidential due to the descriptions of Exhibits previously filed Under Seal. Accordingly, the request to seal is narrowly tailored.

1 For the foregoing reasons, Rimini respectfully request that the Court grant leave to file
2 portions of its Daubert Opposition and accompanying Exhibits A-D and F under seal.

3
4 DATED: August 14, 2015

SHOOK, HARDY & BACON

5 By: /s/ Robert H. Reckers

6 Robert H. Reckers, Esq.

7 *Attorneys for Defendants*

8 *Rimni Street, Inc. and Seth Ravin*

9
10 **CERTIFICATE OF SERVICE**

11 I hereby certify that on the 14th day of August 2015, I electronically filed the foregoing
12 document with the clerk of the court for the U.S. District Court, District of Nevada, using the
13 electronic case filing system. The electronic case filing system sent a "Notice of Electronic Filing" to
14 the attorneys of record who have consented in writing to accept this Notice as service of this
15 document by electronic means.
16

17 By: /s/ Robert H. Reckers

18 Robert H. Reckers